

From: Filardo, Vincent (US) <vincent.filardo@us.kwm.com>
Sent: Tuesday, September 1, 2020 1:33 PM
To: Michael Stolper <mstolper@seidenlegal.com>; Dov B. Gold <dgold@seidenlegal.com>
Cc: Zatorre, Evan (US) <evan.zatorre@us.kwm.com>
Subject: RE: Convergen Energy LLC et al v. Brooks et al - Rule 7.1 Disclosure [KWM-LIVE.FID322412]

In any event, we cited to, and are aware of, no documents or agreements in which my clients accepted the jurisdiction of this court. I remind you that you have the same obligation not to mislead this court.

Vincent Filardo, Jr.

Partner

King & Wood Mallesons LLP

500 Fifth Avenue, 50th Floor

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From: Filardo, Vincent (US)
Sent: Tuesday, September 1, 2020 1:29 PM
To: Michael Stolper <mstolper@seidenlegal.com>; Dov B. Gold <dgold@seidenlegal.com>
Cc: Zatorre, Evan (US) <evan.zatorre@us.kwm.com>
Subject: RE: Convergen Energy LLC et al v. Brooks et al - Rule 7.1 Disclosure [KWM-LIVE.FID322412]

Counsel,

You ignore the fact that this is a motion to dismiss, nor for summary judgment. It based on the allegations in your complaint, not on documentary evidence.

You have my response.

Sincerely,

Vincent Filardo, Jr.

Partner

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From: Michael Stolper <mstolper@seidenlegal.com>
Sent: Tuesday, September 1, 2020 1:26 PM
To: Filardo, Vincent (US) <vincent.filardo@us.kwm.com>; Dov B. Gold <dgold@seidenlegal.com>

Cc: Zatorre, Evan (US) <evan.zatorre@us.kwm.com>

Subject: RE: Convergen Energy LLC et al v. Brooks et al - Rule 7.1 Disclosure [KWM-LIVE.FID322412]

Counsel,

Your email below ignores the fact that you have placed in issue the contracts your clients signed as part of your motion to dismiss. You cannot selectively present facts while deliberately concealing from the Court facts and documents that would establish jurisdiction, including agreements in which your clients accepted New York jurisdiction.

We reiterate the immediate production of these agreements so that we can address them in our opposition to your motion to dismiss. We also remind you of your ethical obligations not to mislead the Court.

Michael

From: Filardo, Vincent (US) <vincent.filardo@us.kwm.com>

Sent: Tuesday, September 1, 2020 12:38 PM

To: Dov B. Gold <dgold@seidenlegal.com>

Cc: Michael Stolper <mstolper@seidenlegal.com>; Zatorre, Evan (US) <evan.zatorre@us.kwm.com>

Subject: RE: Convergen Energy LLC et al v. Brooks et al - Rule 7.1 Disclosure [KWM-LIVE.FID322412]

Dov,

If the intention of your below email is to propound a document request to my clients, it is improper, the timing is unreasonable, and my clients object for a host of reasons. Among them, a motion for lack of personal jurisdiction over my clients remains pending in this action. Until that issue is resolved, Plaintiffs are not entitled to any discovery from my clients outside of the formalities provided under the Hague Convention on the Taking of Discovery Abroad. We would be happy to review such an application upon its approval by the Court, and provide written objections and responses thereto.

Sincerely,

Vincent Filardo, Jr.

Partner

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From: Dov B. Gold <dgold@seidenlegal.com>
Sent: Tuesday, September 1, 2020 12:17 PM
To: Filardo, Vincent (US) <vincent.filardo@us.kwm.com>
Cc: Michael Stolper <mstolper@seidenlegal.com>; Zatorre, Evan (US) <evan.zatorre@us.kwm.com>
Subject: RE: Convergen Energy LLC et al v. Brooks et al - Rule 7.1 Disclosure

Vincent,

Please produce today all agreements entered into by your clients to make their investment in the pellet plant acquisition.

Thank you,

Dov

From: Dov B. Gold <dgold@seidenlegal.com>
Sent: Monday, August 31, 2020 5:24 PM
To: Zatorre, Evan (US) <evan.zatorre@us.kwm.com>
Cc: Filardo, Vincent (US) <vincent.filardo@us.kwm.com>; Michael Stolper <mstolper@seidenlegal.com>
Subject: Convergen Energy LLC et al v. Brooks et al - Rule 7.1 Disclosure

Evan,

It appears that the mandatory Rule 7.1 disclosure has not been filed by your clients in this matter and is late. Please file it as soon as possible.

Thanks,

Dov

Dov Byron Gold, Esq.
The Seiden Group
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